

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL INSURANCE COMPANY,

Plaintiff,

-against-

TURNER CONSTRUCTION COMPANY,

Defendant.
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NOTICE OF MOTION

Case No.
07-CV-11095(JFK)(THK)

PLEASE TAKE NOTICE that, upon the Declaration of Todd A. Krichmar dated June 24, 2008, the exhibits annexed thereto, and the accompanying Memorandum of Law dated June 24, 2008, the New York City Economic Development Corporation ("EDC") will move before this Court, at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York before the Honorable John F. Keenan, at a date and time to be determined by the Court, for an Order: (i) pursuant to Rule 24 of the Federal Rules of Civil Procedure, permitting EDC, in its capacity as assignee of the rights of defendant Turner Construction Company under a performance bond issued by plaintiff Federal Insurance Company, to intervene as a defendant

and counter-claimant in this action; and (ii) granting to EDC such other and further relief as the Court may deem just and proper.

Dated: New York, New York
June 24, 2008

Yours, etc.

MICHAEL A. CARDOZO
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